



## DEPARTMENT OF THE NAVY

HUMAN RESOURCES OFFICE  
NEW ORLEANS, LA 70142-6200

IN REPLY REFER TO:

HRONOLAINST 12711.2  
Code 05

SEP 22 1994

### HRONOLA INSTRUCTION 12711.2

Subj: LABOR MANAGEMENT RELATIONS

Ref: (a) 5 U.S.C. Chapter 71  
(b) Executive Order 12871, Labor-Management Partnerships  
(c) SECNAV ltr of 14 Dec 93 (NOTAL)

1. Purpose. To provide information about the Federal Labor Management Relations Program.

2. Background. References (a), (b), and (c) provide statutory and regulatory information on this subject. These references are available for review in the Human Resources Office (HRO). This instruction provides operating information to HRO New Orleans serviced commands and labor organizations. It also serves as notice for appropriate bargaining purposes as specified in applicable labor agreements.

### 3. Information

a. Employee Rights. Per reference (a), each employee has the right to form, join, or assist any labor organization or to refrain from any such activity, freely and without fear of penalty or reprisal, and each employee is protected in the exercise of such right. Except as otherwise provided, such rights include the right:

(1) to act for a labor organization in the capacity of a representative, and the right, in that capacity, to present the views of the labor organization to the head of the activity and other officials of the Executive Branch of the Government, the Congress, or other appropriate authorities; and

(2) to engage in collective bargaining with respect to conditions of employment through representatives appropriately chosen by employees.

b. Management Rights. Management retains the authority:

(1) to determine the mission, budget, organization, number of employees, and internal security practices of the Department of the Navy (DON) and its subordinate activities; and

(2) in accordance with applicable laws,

(a) to hire, assign, direct, layoff, and retain employees in DON, or to suspend, remove, reduce in grade or pay,

or to take other disciplinary action against such employees;

(b) to assign work, to make determinations with respect to contracting out, and to determine the personnel by which the Navy's operations shall be conducted;

(c) with respect to filling positions, to make selections for appointments from

1 among properly ranked and certified candidates for promotion; or

2 any other appropriate source; and

(d) to take whatever actions may be necessary to carry out the mission of the Navy during emergencies.

c. Union Rights. A labor organization which has been accorded exclusive recognition is the exclusive representative of the employees in the unit it represents and is entitled to act for and negotiate collective bargaining agreements covering all employees in the unit. An exclusive representative is responsible for representing the interests of all employees in the unit it represents without discrimination and without regard to labor organization membership.

d. Bilateral Partnerships. References (b) and (c) encourage the development of consensual labor-management relations arrangements. The purpose of these "partnerships" is to actively seek the involvement of employees and their representatives in improving the effectiveness of the organizations in which they serve. Partnership arrangements must be mutually agreed upon by management and labor and should not be undertaken without training of both parties in alternative dispute resolution, interest based bargaining, and similar skills necessary to work together as partners.

4. Responsibilities. Managers and supervisors must be aware of their responsibilities in four key areas that impact labor-management relations.

a. Collective Bargaining Agreement. Managers and supervisors must know the provisions of the collective bargaining agreement, how to interpret and apply the agreement correctly in the work environment, and how to enforce the provisions consistent with management's interpretation and previous application. The agreement should be consulted before making a decision. If a dispute arises with an employee over the interpretation of the agreement, the emphasis is on

carry out management's direction and grieve the issue at a later time.

b. Workplace Changes. If an intended change will alter bargaining unit employees' working conditions or change a rule that applies to them, the union must be notified of the intended change before it is put into effect unless circumstances preclude prior notice. In such cases, which should be rare, the union should be notified as soon as practicable.

c. Meetings with Employees. If direct communication with employees on other than routine, work related matters is being contemplated, the union may have a right to be present and take an active role. These situations generally occur when there is a formal discussion (e.g., about working conditions, rules or policies) or an investigatory meeting (usually about a matter that could lead to discipline) with bargaining unit employees. Managers and supervisors are obligated to provide the union advance notice of, and permit union representation at, formal discussions with employees. Collective bargaining agreements usually address employees' right to representation during an investigatory meeting. Basically, an employee is entitled to representation (1) if he/she reasonably believes disciplinary action may result, and (2) he/she requests representation. Managers and supervisors must familiarize themselves with applicable agreement language. (See paragraph 5.d below).

d. Grievances. The purpose of the grievance procedure is to provide an orderly and acceptable framework for resolving disputes. Generally, grievances fall in either of two categories: collective bargaining agreement interpretation grievances, or matters of dissatisfaction (i.e., issues related to personnel policies and their application, working conditions). The manager's or supervisor's role is to make an objective determination of whether the grievance is valid and, if so, to determine what steps should be taken to correct the matter. If the matter is not resolved through the grievance process, Federal collective bargaining agreements provide for redress through third party arbitration. In addition to grievances, a union may file an Unfair Labor Practice (ULP). A ULP alleges a violation of the Federal Labor Relations Statute, usually that management has abridged the employee or union rights discussed above. ULPs are investigated and resolved by the Federal Labor Relations Authority (FLRA), whose decisions are binding on Federal agencies.

5. Action. The following actions must be coordinated through the HRO Labor and Employee Relations Division, (504) 361-2556 or DSN 485-2556:

HRONOLAINST 12711.2  
Code 05

- a. negotiation and submission of collective bargaining agreements for Defense Civilian Personnel Management Service (DCPMS) approval prior to implementation;
- b. notification to DCPMS of arbitration awards, ULPS before the FLRA, and impasse proceedings before the Federal Service Impasses Panel;
- c. representation elections and changes in the status of an organization granted exclusive recognition rights; and
- d. preparation and issuance of the annual notice to employees regarding their representation rights during investigatory interviews.

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